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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT: Thomas  
A. RUSSELL, et al.

SERIAL NO.: 10/679,158                      Group Art Unit: 3739

FILED: October 3, 2003                      EXAMINER:

FOR: SURGICAL POSITIONERS

ATTORNEY DOCKET NO.: 50642/287729

DATE: 8/2/04

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

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Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the modified Form PTO/SB/08 are cited for consideration by the Examiner. Copies of the non-U.S. patent documents are submitted with this paper.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

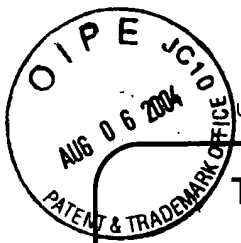
This Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(b), before issuance of a first Office action on the merits. Applicant believes that no fee is due for submission and consideration of this paper. The Commissioner is authorized to charge any fees associated with this filing or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Bertelson", written over a horizontal line.

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/679,158	
	Filing Date	October 3, 2003	
	First Named Inventor	Thomas A. RUSSELL	
	Art Unit	3739	
	Examiner Name		
Total Number of Pages in This Submission		Attorney Docket Number	50642/287729

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  1. Form PTO/SB/08 (03 sheets) 2. publications
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Michael A. Bertelson, Reg. No. 54,713
Signature	
Date	July 29, 2004

**CERTIFICATE OF MAILING**

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Typed or printed name	Angela M. Rossi		
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet

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of

3

**Complete if Known**

Application Number	10/379,158
Date Filed:	October 3, 2003
First Named Inventor	Thomas A. RUSSELL
Group Art Unit	3739
Examiner Name	
Attorney Docket Number	50642/287729

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY/	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
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Examiner  
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Sheet 2 of 3

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Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-D/Y-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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		US2003/0069591	04/10/2003	Carson	
		US2003/0187351 A1	10/02/2003	Franck, et al.	

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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
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		DE 197 09 960 A1	09/24/1998	Germany		

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Delp, et al., "Computer Assisted Knee Replacement," <i>Clinical Orthopaedics and Related Research</i> , 354:49-56 (1998)	
		DiGiola, et al., « Computer Assisted Orthopaedic Surgery," <i>Clinical Orthopaedics and Related Research</i> , 354:8-16 (1998)	
		Simon, et al., "The Fundamentals of Virtual Fluoroscopy," <i>The Fundamentals of Virtual Fluoroscopy</i> , pp. 57-61 (undated)	
		Stryker Navigation System Brochure entitled "...best alignment for gap kinematics," 2 pages (undated)	
		BrainLab Brochure, pp. 01-28 (undated)	

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